

FILED: November 15, 2018

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 18-2286,

NLRB v. USPS

10-CA-204533,10-CA-205216,10-CA-205968,10-CA-  
205996, 10-CA-206007

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NOTICE OF JUDGMENT

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Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons.

([www.supremecourt.gov](http://www.supremecourt.gov))

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED**

**COUNSEL:** Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a [Bill of Costs](#) within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

**PETITION FOR REHEARING AND PETITION FOR REHEARING EN**

**BANC:** A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

**MANDATE:** In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

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No. 18-2286  
(10-CA-204533)  
(10-CA-205216)  
(10-CA-205968)  
(10-CA-205996)  
(10-CA-206007)

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NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED STATES POSTAL SERVICE

Respondent

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J U D G M E N T

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The Board's proposed judgment and order are attached hereto and are adopted as the judgment of this court enforcing an order of the National Labor Relations Board.

The court's mandate shall issue forthwith.

/s/ PATRICIA S. CONNOR, CLERK

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	No.
Petitioner	:	
	:	Board Case Nos.:
v.	:	10-CA-204533
	:	10-CA-205216
	:	10-CA-205968
UNITED STATES POSTAL SERVICE	:	10-CA-205996
	:	10-CA-206007
Respondent	:	

JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, United States Postal Service, its officers, agents, successors, and assigns, on October 4, 2018, in Board Case Nos. 10-CA-204533, 10-CA-205216, 10-CA-205968, 10-CA-205996 and 10-CA-206007; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Fourth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, United States Postal Service, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

Mandate shall issue forthwith

## NATIONAL LABOR RELATIONS BOARD

v.

## UNITED STATES POSTAL SERVICE

**ORDER**

United States Postal Service, Charlotte, North Carolina, its officers, agents, successors, and assigns, shall

1. Cease and desist from the following in connection with the Respondent's employees employed in the Respondent's facilities at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina.
  - (a) Refusing to bargain collectively and in good faith with the National Union, by failing to furnish, or by unduly delaying furnishing, information that is relevant and necessary to Letter Carriers Branch 545 in performing its duties for the National Union, the exclusive bargaining representative of the unit.
  - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by the National Labor Relations Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act:
  - (a) Upon request, furnish Letter Carriers Branch 545, or any other union with which the Respondent has an exclusive collective-bargaining relationship at its facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, with necessary and relevant information in a timely and appropriate manner.
  - (b) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information that Letter Carriers Branch 545 missed due to the

Respondent's delay in providing the information requested as described in the following paragraphs of each complaint:

Complaint Date	Paragraphs
November 30, 2017	9 through 12
December 15, 2017	9 through 14

- (c) Maintain a log at each of the Respondent's facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, in which the Respondent will immediately record each information request that Letter Carriers Branch 545, or any other union with which the Respondent has an exclusive collective-bargaining relationship at these facilities, tendered to the Respondent orally or in writing, at those facilities. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the union and unit involved; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided Letter Carriers Branch 545 or other such union with which the Respondent has an exclusive collective-bargaining relationship at its facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time to furnish the information, the manager or supervisor will inform Letter Carriers Branch 545, or any other such union with which the Respondent has an exclusive collective-bargaining relationship at these facilities, in writing, requesting additional time and explaining the need for the additional time. Union stewards will be granted reasonable access to the logs, upon request.
- (d) Provide for each manager and supervisor who is designated to receive union requests for information at the Respondent's facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, annual training that encompasses how to maintain the log and how to tender the relevant information to Letter Carriers Branch 545, or any other such union with which the Respondent has an exclusive collective-bargaining relationship at these facilities, requested; require that each such



supervisor and manager sign an acknowledgment form attesting to the fact that he or she has completed this training. A copy of this acknowledgment form shall be maintained in the supervisor's or manager's training and history files. Supervisors or managers who fail reasonably to supply relevant information, or who fail to supply such information timely, to Letter Carriers Branch 545, or other such union with which the Respondent has an exclusive collective-bargaining relationship at its facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of the supervisor or manager.

- (e) Notify Union stewards at the Respondent's facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, when the manager or supervisor who is designated to receive union requests for information at that facility has changed.
- (f) Require the Respondent's legal or labor relations department to conduct semi-annual audits of the logs at each of the Respondent's facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, to ensure that the information requests of Letter Carriers Branch 545 and other such unions with which the Respondent has an exclusive collective-bargaining relationship at these facilities, are being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.
- (g) Within 14 days of service by the Region:
  - (i) Post at the Respondent's facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, copies of the Notice to Employees that the Regional Director for Region 10 shall provide to the Respondent for posting. Copies of the notice, on forms provided by the Regional Director, after being signed by the Respondent's

authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted.

- (ii) Electronically post the Notice to Employees for employees at the Respondent's facilities located at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina, if the Respondent customarily uses electronic means such as an electronic bulletin board, email, website, or intranet to communicate with those employees.
- (iii) Send a copy of any Board Order and Notice to Employees to all its supervisors and managers at the Respondent's facilities at 3717 Eastway Drive, Charlotte, North Carolina, and 201 North McDowell Street, Charlotte, North Carolina.
- (h) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The certification shall include a copy of the documents signed by a responsible official attesting to the dates that the notices were received, the dates that the notices were posted, and where the notices were posted; the certification shall also include the dates the Respondent sent the Board Order and Notice to its supervisors and managers, a list of the names and job titles of the individuals to whom the Respondent sent them, and the method the Respondent employed to send them.
- (i) Upon request, provide to the Regional Director of Region 10 or his designee, copies of the logs described above in subparagraph (c); the acknowledgement forms, audit reports, and discipline described above in subparagraph (d); and the semi-annual audits and reports from the Respondent's legal or labor relations department described above in subparagraph (f).



**APPENDIX A****NOTICE TO EMPLOYEES**

**POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;

Choose representatives to bargain with us on your behalf;

Act together with other employees for your benefit and protection;

Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** fail to provide, or unreasonably delay in providing, National Association of Letter Carriers and its Branch 545 (the Union) with information that it or its National Union needs to represent you.

**WE WILL NOT** in any like or related manner interfere with your rights under the National Labor Relations Act.

**WE WILL** provide the Union with the information it initially requested on May 16, 2017 and the information it requested, in four separate requests, on July 19, 2017.

**WE HAVE** provided the Union with the information it initially requested on July 8, 2017.

**WE WILL**, upon request, provide the Union, and other unions with which we have an exclusive collective-bargaining relationship at our facilities located at 3717 Eastway Drive, and 201 North McDowell Street, Charlotte, North Carolina, with necessary and relevant information in a timely and appropriate manner.

**WE WILL** waive for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information that the Union missed due to our delay in providing the information requested.

**WE WILL** maintain at each of our facilities located at 3717 Eastway Drive and 201 North McDowell Street, Charlotte, North Carolina, a log in which we will immediately record each information request that any union at these facilities with which we have an exclusive collective-bargaining relationship makes, either orally or in writing, at that facility. **WE WILL** provide union stewards with reasonable access to these logs that pertain to their requests.

**WE WILL** provide annual training for each manager and supervisor who is designated to receive requests for information from any union with which we have an exclusive collective-bargaining relationship at each of our facilities located at 3717 Eastway Drive and 201 North McDowell Street, Charlotte, North Carolina. Such training will encompass how to maintain the log and how to tender the relevant information to the union.

**WE WILL** notify union stewards for all unions with which we have an exclusive collective-bargaining relationship at each of our facilities located at 3717 Eastway Drive and 201 North McDowell Street, Charlotte, North Carolina, when the manager or supervisor who is designated to receive union requests for information at these facilities has changed.

**WE WILL** require our legal or labor relations department to conduct semi-annual audits of the logs at each of our facilities located at 3717 Eastway Drive and 201 North McDowell Street, Charlotte, North Carolina, to ensure that the information requests of any union with which we have an exclusive collective-bargaining relationship are being handled in a timely and appropriate manner and to ensure the logs are being properly maintained.

### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlr.gov/case/10-CA-204533](http://www.nlr.gov/case/10-CA-204533) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

